

## Message Text

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ACTION L-03

INFO OCT-01 IO-13 ISO-00 DHA-02 CIAE-00 PM-04 H-01  
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DOD: ALSO PASS TO AF/JA, NAVY JAG, DAJA-IA, DCPA

E.O. 11652: N/A  
TAGS: ICRC, PARM, PFOR  
SUBJ: DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANITARIAN  
LAW - WEEKLY REPORT - APRIL 25-29

SUMMARY. CONFERENCE WORK CONTINUES TO PROGRESS WITH MAIN  
COMMITTEES ADOPTING A NUMBER OF NEW ARTICLES. AD HOC  
WORKING GROUP ON CONVENTIONAL WEAPONS BEGINS WORK WITH  
VIEW TO DEFINING AREAS OF AGREEMENT AND DISAGREEMENT.  
END SUMMARY.

1. SUBSTANTIVE WORK IN COMMITTEE I HAS BEEN DELAYED BY  
MANY PROCEDURAL OBJECTIONS IN POORLY CHAIRED PLENARY  
MEETINGS. WORK ON PROTOCOL II ARTICLES HAS BEEN  
TEMPORARILY SUSPENDED SO THAT WORK COULD COMMENCE ON  
FINAL ARTICLES. VIETNAMESE ARTICLE ON COMPENSATION WAS  
ADOPTED BY CONSENSUS. TEXT IS IDENTICAL TO THAT IN  
HAGUE CONVENTION (1907). U.S.-SPONSORED ARTICLE 76 BIS  
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(DUTY OF COMMANDERS) WAS ADOPTED BY VOTE OF 72 FOR, NONE  
AGAINST, AND 2 ABSTENTIONS. ARTICLE 77 (SUPERIOR ORDERS)  
WAS ADOPTED BY VOTE; HOWEVER, U.S. VOTED AGAINST. OB-  
JECTION WAS BASED ON APPLICATION OF ARTICLE TO GRAVE  
BREACHES ONLY; TEXT IS OTHERWISE ACCEPTABLE. ARTICLE 78  
(EXTRADITION) WAS REJECTED. ARTICLE 79 (MUTUAL ASSIS-  
TANCE IN CRIMINAL MATTERS) WAS ADOPTED AND CONTAINS

REFERENCE TO EXTRADITION. AMENDMENTS TO ARTICLES 84 AND 88 CONCERNING ACCESSION BY NATIONAL LIBERATION MOVEMENTS WERE ADOPTED AFTER NORWAY PROPOSED ELIMINATION OF ALL SUBSTANTIVE DEBATE OR REDRAFTING. STIFF OPPOSITION WAS EXPRESSED BY SOME ARAB/ASIAN COUNTRIES WHICH DISLIKED EQUALITY OF OBLIGATION FOR LIBERATION MOVEMENTS. NEGOTIATIONS ON REPRISALS ARE IN SERIOUS DIFFICULTY PRIMARILY DUE TO FRENCH DECISION TO WITHDRAW ARTICLE 74 BIS. WORK ON INQUIRY COMMISSION IS PROGRESSING.

2. COMMITTEE II COMPLETED WORK ON RELIEF BY ADOPTING 4 ARTICLES. ARTICLES 60 (FIELD OF APPLICATION) AND 61 (BASIC NEEDS IN OCCUPIED TERRITORIES) ARE ENTIRELY CONSISTENT WITH U.S. POSITION. BASIC OBLIGATION IN ARTICLE 62 ON RELIEF IN NON-OCCUPIED TERRITORIES IN A COMPROMISE READING AS FOLLOWS:

"IF THE CIVILIAN POPULATION OF ANY TERRITORY UNDER THE CONTROL OF A PARTY TO THE CONFLICT, OTHER THAN OCCUPIED TERRITORY, IS NOT ADEQUATELY PROVIDED WITH SUPPLIES MENTIONED IN ARTICLE 61 (FOOD, MEDICAL SUPPLIES, CLOTHING, BEDDING, MEANS OF SHELTER, ETC.), RELIEF ACTIONS WHICH ARE HUMANITARIAN AND IMPARTIAL IN CHARACTER AND CONDUCTED WITHOUT ANY DISCRIMINATION SHALL BE UNDERTAKEN, SUBJECT TO THE AGREEMENT OF THE PARTIES CONCERNED IN THE RELIEF ACTION."

REMAINDER OF ARTICLE IS SUBSTANTIALLY SIMILAR TO U.S. POSITION. ARTICLE 62 BIS ON RIGHTS AND OBLIGATIONS OF LIMITED OFFICIAL USE

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RELIEF PERSONNEL STRENGTHENS PROTECTION OF PERSONS ACCOMPANYING RELIEF CONSIGNMENTS.

WORKING GROUP ON CIVIL DEFENSE CONTINUES TO MAKE PROGRESS AND EXPECTS TO FINISH WORK BY MAY 6.

3. COMMITTEE III ADOPTED NEW ARTICLE ON MERCENARIES BY CONSENSUS. TEXT IS SAME AS REPORTED IN GENEVA 3015. U.S. EXPLANATION OF VOTE STRESSED APPLICABILITY OF ARTICLE 65 (FUNDAMENTAL GUARANTEES) TO MERCENARIES (NOT DISPUTED). WORKING GROUP PROPOSALS ON ARTICLES 63 (FIELD OF APPLICATION), 64 (REFUGEES AND STATELESS PERSONS), 65 (FUNDAMENTAL GUARANTEES), AND 66 (OBJECTS INDISPENSABLE TO THE SURVIVAL OF THE CIVILIAN POPULATION) WERE ALSO ADOPTED BY CONSENSUS. SEE SEPTTEL FOR TEXTS.

DEBATE CONTINUED ON ARTICLE 67 (PROTECTION OF WOMEN) AND 68 (PROTECTION OF CHILDREN). SURPRISINGLY DIVERSE

VIEWS SURFACED. DEATH PENALTY IS MOST DIFFICULT PROBLEM IN ARTICLE 67. MINIMUM AGE OF ENLISTMENT WAS PROMINENT ISSUE IN ARTICLE 68 DISCUSSION. WORKING GROUP WILL CONSIDER ARTICLES 67 AND 68 FURTHER AND TAKE UP ARTICLE 69 (EVACUATION OF CHILDREN) NEXT WEEK.

4. TWO FULL SESSIONS OF THE AD HOC COMMITTEE WORKING GROUP WERE HELD DURING THE WEEK IN ADDITION TO SEVERAL MINOR MEETINGS BY SMALL GROUPS. A REVISED DUTCH PROPOSAL ON INCENDIARIES (SEE U.S. NATO 2415) WAS INTRODUCED BUT NOT DISCUSSED. THERE WAS GENERAL APPROVAL OF NON-DETECTABLE FRAGMENTS PROPOSAL, BUT IT HAS NOT YET BEEN AGREED UPON SINCE INDIAN DELEGATION DID NOT HAVE INSTRUCTIONS AND THEREFORE COULD NOT SUPPORT IT. MOST OF TIME WAS SPENT ON LAND MINE WARFARE PROPOSALS, INCLUDING A LENGTHY DISCUSSION ON THE DEFINITION OF LAND MINES WITH NO AGREEMENT REACHED. DEFINITION OF LIMITED OFFICIAL USE

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UNDERWATER MINES HAS PROVED DIFFICULT. TERM "BOOBY TRAP" WILL BE REPLACED BY TERM YET TO BE DETERMINED BECAUSE OF DIFFICULTY IN LANGUAGE TRANSLATION. THERE WAS CONSIDERABLE AGREEMENT ON THE NEED TO RECORD MINE-FIELDS. WORKING GROUP WILL RESUME WORK ON MAY 3. SORENSON

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## Message Attributes

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